

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JEFFREY VOGELSBERG,

Plaintiff,

Case No. 3:17-cv-00596-jdp

v.

YOUNG KIM, *et al.*,

Defendant.

**MOTION FOR LEAVE TO CONDUCT THE ORAL
DEPOSITION OF A CONFINED WITNESS PURSUANT TO F.R.C.P. 30(a)(2)(B)**

Dr. Young Kim, Cheryl Walters, Satinder Dhanoa, Brenda Bredlow, Stephanie Webster, Melissa Bennet, Tenzin Enders, James Matthews, and Correct Care Solutions, LLC (collectively referred to as the “CCS Professionals”), by their counsel Davis & Kuelthau, s.c., hereby move for an order granting leave to take the oral deposition of the Plaintiff Jeffrey Vogelsberg (“Vogelsberg”) pursuant to F.R.C.P. 30(a)(2)(B). Vogelsberg is currently incarcerated at Waupun Correctional Institution.

BACKGROUND

Vogelsberg filed a civil rights complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated while he was incarcerated at the Dane County Jail. Specifically, Vogelsberg alleged his rights were violated when medical and correctional staff at the Jail allegedly delayed or refused to provide him with care in July and September 2014. (Dkt. No. 1).

The CCS Professionals wish to depose Plaintiff at his correctional institution on April 25, 2019 and have already made arrangements for all counsel and Plaintiff to attend that deposition.

LEGAL ANALYSIS

The deposition of a person confined in prison may only be taken by leave of the Court. F.R.C.P. 30(a)(2)(B). Courts are instructed to grant leave consistent with limitations on the frequency and extent of discovery permitted by F.R.C.P. 26(b)(2).

As the plaintiff in this case, Vogelsberg's deposition falls within the permissible scope of discovery. First, the deposition is necessary to further identify/understand any factual allegations that may support the causes of action or damages alleged. Second, in light of the nature of the claims, damages and allegations, Vogelsberg's testimony is relevant to the defense of this matter. Third, oral depositions are necessary for the purpose of evaluating and preparing for all aspects of the defense of this matter including upcoming dispositive motions.

CONCLUSION

Based on the foregoing, the CCS Professionals respectfully requests that this Court grant their Motion for Leave to conduct the oral deposition of Jeffrey Vogelsberg. The CCS Professionals' counsel will make sure to hand deliver any text only order from this Court permitting the deposition to take place prior to the deposition commencing.

Dated: April 24, 2019.

DAVIS & KUELTHAU, S.C.

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